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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

J. EZRA MERKIN AND BDO SEIDMAN
SECURITIES LITIGATION

No. 08 Civ. 10922 (DAB)

MOTION OF DEFENDANT BDO
USA, LLP TO DISMISS

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Defendant BDO USA, LLP, formerly known as BDO Seidman, LLP, moves to dismiss the action as against it pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6). This motion is based on the declaration of Ira G. Greenberg, dated the 30th day of July, 2010, together with the exhibits thereto. A memorandum of law is also being submitted in support of the motion.

This motion will come on to be heard before Hon. Deborah A. Batts, United States District Judge, at the United States Courthouse, 500 Pearl Street, New

York, NY 10007, on a date and at a time that the Court may designate.

Dated: New York, NY
July 30, 2010



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